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8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **KEVIN LENAHAAN and**
11 **PETER AUBRY,**

12 **Plaintiffs,**

13 **v.**

14 **SANTA ROSA RANCHERIA TACHI**
15 **TRIBE aka SANTA ROSA BAND OF**
16 **TACHI INDIANS dba PALACE**
17 **INDIAN GAMING CENTER; and**
18 **PALACE INDIAN GAMING CENTER,**
19 **a California Corporation.**

20 **Defendants.**

CV F 05-608 AWI LJO

ORDER TAKING MATTER
UNDER SUBMISSION

21 Defendant Santa Rosa Rancheria Tachi Tribe has noticed for hearing and decision a
22 motion to dismiss without leave to amend under Rules 12. The matter was scheduled for hearing
23 to be held on March 13, 2006. Pursuant to Local Rule 78-230(c), Plaintiffs were required to file
24 either an opposition or a notice of non-opposition no later than February 27, 2006. Plaintiffs
25 failed to do so.

26 Due to Plaintiffs's failure to file a timely opposition or notice of non-opposition, they are
27 in violation of the Local Rules. See 78-230(c). Plaintiffs are further not entitled to be heard at
28 oral argument in opposition to the motion. See 78-230(c). The court has reviewed Defendant's

1 motion and the applicable law, and has determined that the motion is suitable for decision
2 without oral argument. See Local Rule 78-230(h).

3 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of March 13,
4 2006, is VACATED, and no party shall appear at that time. As of March 13, 2006, the Court
5 will take the matter under submission, and will thereafter issue its decision.

6
7 IT IS SO ORDERED.

8 **Dated: March 7, 2006**
9 0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE